



## **Planning Commission Staff Report May 2023**

The Planning Commission will meet on May 9, 2023. The following staff report has been prepared for applications which were received by the Planning and Zoning Division of the Community and Economic Development Department.

**Applicant:** Emory Heights LLC c/o Anamaria Hazard

### **Subject Property Information:**

#### **1119 Clairemont Avenue (Parcel ID No: 18 005 04 075)**

Present Land Use: RL – Low Density Residential (City of Decatur)  
Present Zoning: R-60 – Single-Family Residential (City of Decatur)  
Proposed Land Use: C – Commercial and High Density Residential (City of Decatur)  
Proposed Zoning: PO – Professional Office (City of Decatur)

#### **1121 Clairemont Road (Parcel ID No: 18 051 08 055)**

Present Land Use: TC – Town Center (DeKalb County)  
Present Zoning: R-75 – Single-Family Residential (DeKalb County)  
Proposed Land Use: C – Commercial and High Density Residential (City of Decatur)  
Proposed Zoning: PO – Professional Office (City of Decatur)

#### **1123 Clairemont Road (Parcel ID No: 18 051 08 047)**

Present Land Use: RL – Low Density Residential (City of Decatur)  
Present Zoning: R-60 – Single-Family Residential (City of Decatur)  
Proposed Land Use: C – Commercial and High Density Residential (City of Decatur)  
Proposed Zoning: PO – Professional Office (City of Decatur)

#### **1123 (Rear) Clairemont Road**

Present Land Use: TC – Town Center (DeKalb County)  
Present Zoning: OI – Office-Institutional (DeKalb County)  
Proposed Land Use: C – Commercial and High Density Residential (City of Decatur)  
Proposed Zoning: PO – Professional Office (City of Decatur)

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1. **Annexation Petitions.** The Applicant has requested to be annexed into the City of Decatur and the City Commission has accepted their petition. The annexation request is for two parcels located at 1121 Clairemont Road and 1123 (Rear) Clairemont Road; 1119 Clairemont Avenue and 1123 Clairemont Road are within the jurisdictional

boundaries of the City of Decatur. The applicant has met the requirement for the 100% annexation method.

2. **Purpose of Review.** The Planning Commission is asked to provide four recommendations:
  - 1) Recommend to the City Commission the appropriate land use category and zoning district for the properties petitioned for annexation;
  - 2) Provide a recommendation to the City Commission on an amendment to the land use and zoning for the properties already within the jurisdictional boundaries of the City of Decatur;
  - 3) Provide a recommendation to the City Commission on the conditional use permit to allow a professional medical office; and
  - 4) Provide a recommendation to the City Commission on the special exception from Section 8.2.3.G.1. and 3. Of the UDO to construction parking between the sidewalk and the front of the building and within 30 feet of a public street.
3. **General Site and Project Information.** The subject site is made up of four parcels and totals approximately 1.1 acres of land. To the north and west, the site is adjacent to existing commercial, office and institutional uses. To the south and east, the site is adjacent to existing multi-family residential uses. See Exhibit "A" for locational map.

The proposed project would continue to use a one story 7,240 SF office building at 1123 Clairemont Road as a professional medical office and adaptively reuse an existing one story 2,605 SF residence located at 1119 Clairemont Avenue as a professional medical office. 18 off-street parking spaces are presently provided on the subject site. The reconfiguration of the parking lots and additional paving would result in a total of 25 off-street parking spaces.

4. **Requested Land Use Designation and Zoning Classification.** The Applicant has requested a land use designation of C – Commercial and High Density Residential and a zoning classification of PO – Professional Office. The requested land use and zoning district are different to those currently assigned by DeKalb County and the City of Decatur. Per [Section 1.4.4.](#) of the UDO, the land use categories established by the Comprehensive Land Use Plan may be implemented by the establishment of appropriate zoning districts within each category. The zoning districts that are permitted within the C – Commercial and High Density Residential land use category are restricted to the following:

C-Commercial and High-Density Residential	
PO	Professional Office District
NMU	Neighborhood Mixed Use District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Heavy Commercial District
MU	Mixed-Use District

Per [Section 6.2](#) of the UDO, the PO – Professional Office zoning district would allow a professional medical office with conditional use permit. [Section 6.5.5.A.3](#) further defines office as a facility used for activities conducted in an office setting and generally focusing on business, professional or financial services, including counseling in an office setting.

	R-85	R-60	R-50	RS-17	RM-18	RM-22	RM-43	PO	NMU	C-1	C-2	C-3	MU	I	Def./Stds
All office, except as listed below:	—	—	—	—	—	—	—	C	L	P	P	P	P	—	<a href="#">6.5.5</a>
Radio, television studio	—	—	—	—	—	—	—	—	—	—	P	P	—	—	<a href="#">6.5.5</a>

Per [Section 4.1.1](#) of the UDO, the purpose of the PO – Professional Office zoning district is to provide for certain limited commercial developments and uses in transitional locations adjacent to existing commercial zoning districts. Uses and developments are limited to those which can provide a buffer between commercial districts and adjacent residential areas. See Exhibit “B” for current City of Decatur zoning map relative to the subject development site. Residential and civic building types are allowed within the district. [Section 4.1.6](#) further provides supplementary standards are also intended to protect nearby residential districts with additional standards related to screening and enclosure of use. Should the conditional use permit be granted, staff recommends the inclusion of the screening requirement of Section 4.1.6., which states, “When a conditional use abuts a lot in a residential district, there shall be provided for the entire distance along the abutting property lines a solid fence of at least 6 feet in height or a landscaped buffer of plant material that will provide a dense, solid screen of at least 6 feet in height within 3 years.”

Per [Section 7.1.3](#) of the UDO, parking requirements for office use is a minimum of 1 space per 500 square feet of gross floor area (or 20 spaces) and a maximum of 1 space per 200 square feet of gross floor area (or 50 spaces). The project proposes 25 parking spaces.

5. ***Considerations for Land Use Designation.*** The following standards, per Section 11.2.2.C.3.g. of the UDO, shall be considered when an amendment to the comprehensive land use plan is requested:

- 1) Does the proposed amendment permit uses that are suitable in view of the use and development of adjacent and nearby property?
- 2) Does the proposed amendment adversely affect the existing use or usability of adjacent or nearby property?
- 3) Will the proposed amendment result in uses which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
- 4) Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed amendment?

6. ***Considerations for Zoning Classification.*** The following standards, per Section 11.2.2.C.2.e. of the UDO, shall be considered when a change to the zoning map is requested:

- 1) Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
- 2) Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
- 3) Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?
- 4) Does the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
- 5) Does the zoning proposal conform with the policy and intent of the Comprehensive Land Use Plan?
- 6) Are there other existing or changing conditions affecting the use and development of the property which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the zoning proposal?

7. **Considerations for Conditional Use Permit.** The following standards and factors shall be considered in determining whether a special exception shall be approved:
- 1) Whether the proposed use is suitable in view of the use and development of adjacent and nearby property.
  - 2) Whether the proposed use is consistent with the requirements of the zoning district in which the use is proposed to be located.
  - 3) Whether the proposed use adversely affects the existing use or usability of adjacent or nearby property.
  - 4) Whether the proposed use results in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or other public facilities.
  - 5) Whether there is adequate ingress and egress to the subject property, including evaluation of the traffic impact of the proposed use relative to street capacity and safety of public streets and nearby pedestrian uses.
  - 6) Whether there are other existing or changing conditions which, because of their impact on the public health, safety, morality and general welfare of the community, give supporting grounds for either approval or disapproval of the proposed use.

***Conditions.***

- 1) The proposed conditional use may be approved subject to such conditions as may be imposed in order to mitigate impacts on nearby properties which may be expected without the imposition of conditions.
- 2) Requirements imposed as a condition shall be required of the property owner and all subsequent owners.
- 3) Requirements imposed as a condition shall be interpreted and continuously enforced by the Zoning Administrator in the same manner as any other provision of the UDO.

***Revisions to an Approved Conditional Use Permit.***

Once approved, no major amendments to a conditional use permit shall be authorized unless such amendments have been applied for and approved by City Commission with Planning Commission recommendation. Major amendments are those that impact adjoining or nearby property in any manner other than incidentally, and shall include but not be limited to the following:

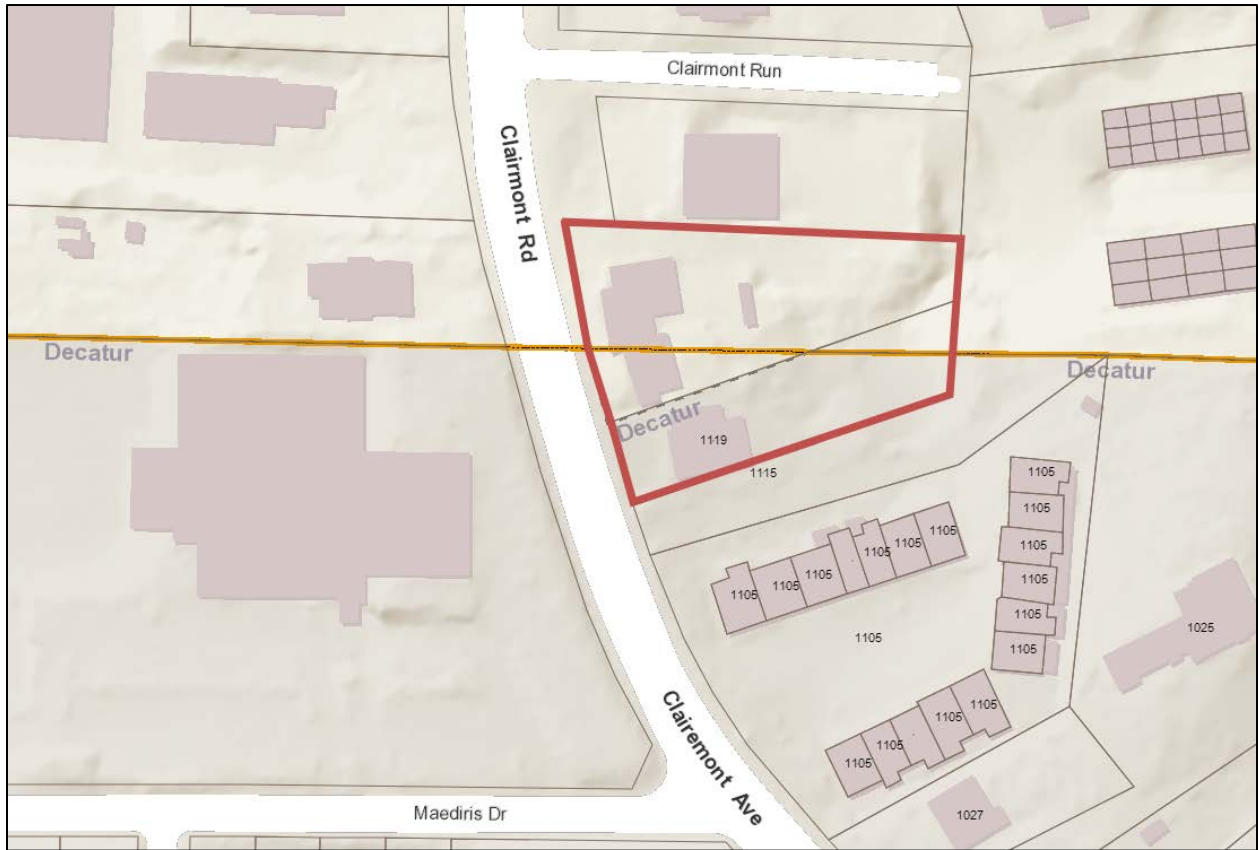
- 1) Changes to another use;
- 2) Increase in density or intensity;
- 3) Enlarging, expanding or increasing the size or intensity of the approved use;
- 4) Increase in the requirements for off-street parking spaces;
- 5) Substantial change to the exterior appearance of buildings that is visible from any public right-of-way; or
- 6) The addition of outdoor equipment and machinery.

8. **Considerations for Special Exceptions.** The following standards shall be considered in determining whether a special exception shall be approved:

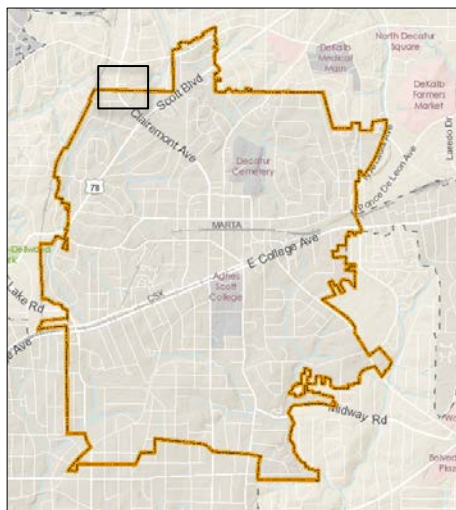
- 1) The suitability of the proposed exception in view of the use and development of adjacent and nearby properties.
- 2) The impact that the proposed exception will have on the existing use or usability of adjacent or nearby properties.
- 3) The impact that the proposed exception will have on the public safety, traffic on the public streets, transportation facilities, utilities and other public services.
- 4) The impact that the proposed exception will have on established property values and on the health, safety, comfort and general welfare of the residents of the City.
- 5) Any additional criteria set forth in the section authorizing the special exception.

9. **Other requirements.** The above Staff Report represents a review of the zoning requirements. It is important to note that a proposed development is not required by ordinance to show full compliance with all regulations of the Unified Development Ordinances. Further technical analysis of compliance with tree canopy, landscaping and site lighting, hydrology report, soil erosion, storm water retention, and local life safety and fire codes will take place and implemented during the permitting process. Those elements found not to be in compliance will require plan revisions prior to issuance of a development permit.

### Exhibit "A" Location Map

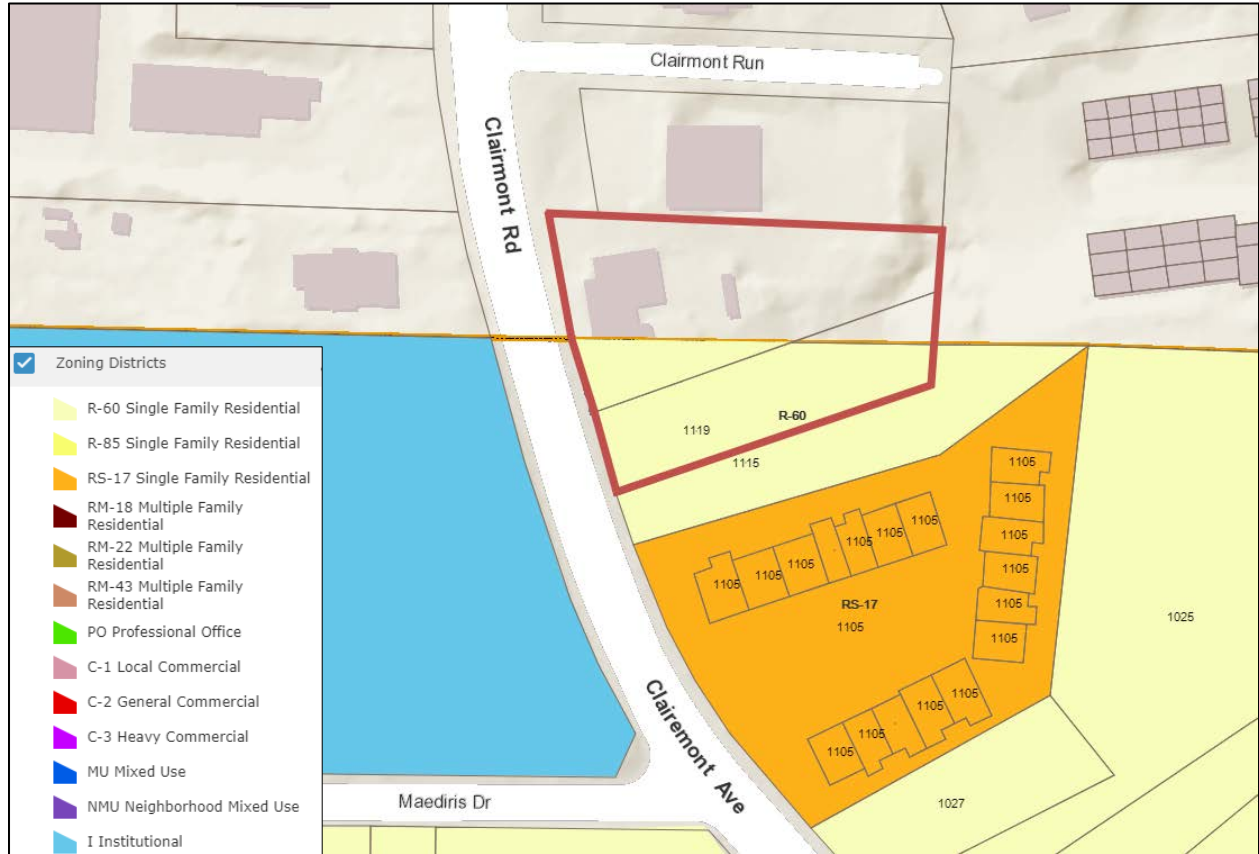


Location of Subject Parcels  
Source: Decatur OneMap



City of Decatur boundary with location outlined  
Source: Decatur OneMap

**Exhibit “B”**



City of Decatur zoning relative to subject parcels.  
 Source: Decatur OneMap



City of Decatur boundary with location outlined  
 Source: Decatur OneMap